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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,434	09/25/2001	Yukio Namai	04632.0031	6610

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EXAMINER

YEUNG, GEORGE CHAN PUI

ART UNIT PAPER NUMBER

1761

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/961,434	Applicant(s) NAMAI ET AL.	
	Examiner George C Yeung	Art Unit 1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 ~~is/are~~ are pending in the application.
- 4a) Of the above claim(s) 8-17 ~~is/are~~ are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-20 ~~is/are~~ are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/19/01 &amp; 4/15/02</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicants' election of Species A (claims 1-7 and 18-20) in Paper No. /Mail Date February 23, 2004 is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Abstract Objection***

The abstract of the disclosure is objected to because it is not limited to a single paragraph and it includes such legal phraseology as "said" (line 14) and "[Fig.1]".

Correction is required. See MPEP § 608.01(b).

### ***Drawing Objection***

Figure 3 is objected to because the reference numeral/characters 58, Z and X mentioned in the specification (page 8) are not labeled in this drawing. Reference numerals/characters mentioned in the description must appear in the drawings. See M.P.E.P. section 608.02(p). Correction is required.

### ***Claim Rejections-35 USC § 112***

Claims 1-7 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention for the following reasons:

1. While the preamble of claim 1 calls for an apparatus for bending a bar-like dough piece into a predetermined form, claim 1 fails to clearly and distinctly point out that the bar-like dough is bent into a predetermined form. Thus claim 1 is indefinite and incomplete. An amendment to claim 1, line 8, after "piece" inserting -- into a predetermined form -- would obviate this rejection.

2. There is no antecedent basis for "the relationships " and "the dispositions" recited in claim 1, line 9. Moreover, it is not clear what is intended by "the relationships of the dispositions in said length of said bar-like dough piece of said bending means" as recited in claim 1, lines 9-10. An amendment to claim 1, changing lines 6-11 to -- means for determining a plurality of actual positions to be bent on the length of each bar-like dough piece; means for substituting said determined actual positions with predetermined positions; and bending means for bending each incoming bar-like dough piece at said predetermined positions that are symmetrical or asymmetrical with respect to the center of said length of said incoming bar-like dough piece into a predetermined form. -- would overcome this rejection (see claim 18, lines 5-11).

3. There is no antecedent basis for "said predetermined relative position" (emphasis added) as recited in claims 3, 5 and 6, lines 1-2 of each.

4. While the preamble of claim 18 calls for a method for bending a bar-like dough piece having a length into a predetermined form, claim 1 fails to clearly and distinctly point out that the bar-like dough is bent into a predetermined form. Thus claim 18 is indefinite and incomplete. An amendment to claim 1, last line,

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after "piece" inserting -- into a predetermined form -- would obviate this rejection.

### ***Allowable Subject Matter***

Claims 1-7 and 18-20 are free of the prior art. Claims 1-7 and 18-20 would be allowable if amended to overcome the rejections under 35 U.S.C. 112 set forth in this Office action.

### ***Prior Art Citation***

The Oshikiri patent is cited to show an automatic panning system for white bread production line. The Morikawa et al patent is cited to show a device for aligning and bending individual round elongated dough pieces. The De Fockert et al patent is cited to show a device for bending elongated dough pieces.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Yeung whose telephone number is (571) 272-1412. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

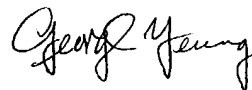
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George C. Yeung can be reached on (571) 272-1412. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G. C. Yeung/af  
April 29, 2004



**GEORGE C. YEUNG**  
**PRIMARY EXAMINER**